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House Bill _____
By _____

Senate No. SB1851
By O'Brien

AN ACT to amend Chapter 587 of the Private Acts of 1911, as amended, by Chapters 36 and 608 of the Private Acts of 1921, Chapter 87 of the Private Acts of 1975, and all other acts amendatory thereto, relative to the Charter of the Town of Oakdale.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 587 of the Private Acts of 1911, as amended by Chapters 36 and 608 of the Private Acts of 1921, Chapter 87 of the Private Acts of 1975, and all other acts amendatory thereto, is revised to read as follows:

Section 1. Be it further enacted, that this act shall constitute the charter of the Town of Oakdale, Tennessee, deleting and replacing in its entirety the charter provided by Chapter 587 of the Private Acts for 1911 and all subsequent amendments thereto. That the town of Oakdale, in Morgan County, Tennessee, and the inhabitants thereof be, and are, hereby incorporated a body politic and corporate under and by the style and name of the town of Oakdale, and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded; grant, receive, purchase, and

hold real and personal property and dispose of the same for the benefit of the said town, and may have and use a common seal.

Section 2. Be it further enacted, that the boundary and description of said town of Oakdale is as stated in Chapter 587 of the Private Acts of 1911 and extended by ordinance adopted July 2, 1968.

Section 3. Be it further enacted that the said corporation shall have full power and authority to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the

corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits,

regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of §§ 7-31-107--7-31-111 and §29-16-114, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways, or alleys under and, as provided by, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine

imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(B) No fine may exceed fifty dollars (\$50.00) for any one (1) offense;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase, or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(3) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated. [Acts 1991, ch. 154, §1.]

Section 4. Be it further enacted, that the terms of the current mayor and aldermen shall be extended from June, 1997 until the regularly scheduled county general election in August, 1998. The term for the mayor elected during the August, 1998 election will be for four (4) years, and the term for the aldermen receiving the

highest vote total will be for four (4) years. The two (2) aldermen receiving the second and the third highest number of votes will serve for two (2) years. The election to be held in August, 2000 will elect two (2) aldermen for terms of four (4) years.

Section 5. Be it further enacted, that the mayor, after the mayor's election, shall take an oath of office to support the constitution of the state and faithfully discharge the duties of the mayor's office, before any officer authorized to administer oaths. This officer or the mayor shall then induct the aldermen into office by administering to them a simple oath of office. Oaths of office shall be filed in the archives of the municipality.

Section 6. Be it further enacted, that in the case of a vacancy in the office of Mayor and Aldermen, the same shall be filled by the Board of Mayor and Aldermen. Two (2) aldermen shall constitute a quorum for the transaction of business.

Section 7. Be it further enacted, that the duties of mayor are:

(a) The mayor:

(1) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;

(2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(3)

(A) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability;

(B) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office, unless this duty has been delegated as authorized in this charter;

(4)

(A) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(B) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(6) As a member of the board, shall have a vote on all matters coming before the board in the event of a tie vote.

(7) Shall make appointments to boards and commissions as authorized by law:

(b) Unless otherwise designated by the board, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Administer the business of the municipality;

(2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(3) Keep the board fully advised as to the conditions and needs of the municipality;

(4) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(5) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements;

(6) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the board; and

(7)

(A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

(B) Nothing in the charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(8) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;

(9) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and

(10) Perform other such duties as may from time to time required by the board.

Section 8. Be it further enacted, that the board shall appoint a city recorder, who also may be appointed to the positions of finance director or treasurer, or both.

Section 9. Be it further enacted, that:

(a) The board shall appoint a treasurer.

(b) The treasurer shall collect, receive and receipt for the taxes and all other revenue (and bonds) of the municipality, and the proceeds of its bond issues, and disburse them.

(c) The board may appoint the recorder as treasurer.

Section 10. Be it further enacted, that in the absence, incompetency, or illness of the mayor, the aldermen may select one (1) of their number to preside at all the meetings of the Board during the absence, incompetency, or illness of said mayor. He

shall discharge the duties of said mayor as herein provided, and shall receive the compensation fixed of said Mayor during the period when so acting.

Section 11. Be it further enacted, that all ordinances shall be considered on two (2) separate days and may be passed by approval on both days by a majority of the members present, if a quorum, by calling ayes and nays. A quorum is a majority of the board. All ayes and nays on all votes on all ordinances shall be recorded.

Section 12. Be it further enacted, that all valid laws, bylaws, resolutions, and ordinances heretofore enacted by said old or former corporation of the town of Oakdale, Tennessee, by the Board of Mayor and Aldermen of said town, said corporation had under the general laws of the land and in force at the time of the repeal of its charter by this Act, be deemed and treated as laws, ordinances, resolutions, and bylaws of said town of Oakdale as provided for in this Act, except insofar as they conflict with the provisions of this Act, and shall govern said corporation provided by this Act into; changed, modified, or repealed by the Board of Mayor and Aldermen of said town of Oakdale.

Section 13. Be it further enacted, that the Board of Mayor and Aldermen are hereby authorized and empowered to employ such counsel or attorneys as they may deem expedient to protect and enforce the laws, bylaws, and ordinances of the town of Oakdale or any other legal matters as may be right and proper, and shall fix their compensation for the same.

Section 14. Be it further enacted, that the Board of Mayor and Aldermen are hereby authorized and empowered to appoint a city judge.

Section 15. Be it further enacted, that all laws and parts of laws in conflict with this Act be, and same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Oakdale. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Oakdale and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

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